REMARKS

Claim 1 has been amended to specify that the insulating polymeric material separates the thin film electronic devices from the patterned metal foil. This amendment is by way of clarification and is based, *inter alia*, on Figures 1 and 2 of the drawings both of which clearly show the insulating polymeric material 104, 204 separating the thin film electronic devices 106 from the patterned metal foil 102.

Claims 1-15 and 24-26 are present in this application, and all claims stand rejected under 35 USC 102 as anticipated by Jacobsen et al., U.S. Patent No. 7,046,328.

This rejection is traversed. More specifically, this rejection is traversed on the grounds that Jacobsen does not disclose a metal foil having a plurality of apertures extending therethrough, as required by all the present claims.

Present claims 1-11 are directed to a backplane for use in an electro-optic display, the backplane comprising a patterned metal foil having a plurality of apertures extending therethrough, coated on at least one side with an insulating polymeric material and having a plurality of thin film electronic devices provided on the insulating polymeric material. Jacobsen does not disclose such a patterned metal foil. It appears from the last paragraph on page 2 of the Office Action, and especially the reference to column 11, lines 13-38 of Jacobsen, that the Examiner is suggesting that the flexible substrate 120 shown in Figure 21 of Jacobsen constitutes such a patterned metal foil. With respect, this must be incorrect, since the flexible displays described in Jacobsen would not function if the substrate 120 were conductive.

As described at column 2, lines 26-55 (and see also U.S. Patent No. 5,545,291 referred to in this passage), Jacobsen describes a process for forming a display in which a plurality of blocks 14 are deposited in recesses in a substrate 12. These blocks 14 typically contain driver circuitry for driving a pixel electrode. The adjacent active matrix backplane 10 includes pixel electrodes and interconnects to electrically interconnect the blocks 14 (column 2, lines 37-39). Furthermore, in a passage to which the Examiner himself refers in the Office Action, column 10, lines 53-54 of Jacobsen

refers to placing a metallization material on a surface of the substrate and patterning or etching of this material to form the previously mentioned electrodes and interconnects. Such metallization to form conductive structures which must make contact with the circuitry in the blocks 14 would be impossible if the substrate 12 were itself conductive, since the whole backplane would short out. Accordingly, for the Jacobsen device to function at all, the substrate 12 must be insulating. Hence, Jacobsen does not disclose a metal foil having apertures therethrough, and cannot anticipate any of present claims 1-11.

With regard to claims 12-15, the rejection is traversed for substantially the same reasons as with regard to claims 1-11. With respect, it is unclear to the undersigned attorney from the paragraph bridging pages 4 and 5 of the Office Action why the Examiner considers that Jacobsen discloses "at least one conductive via extending through the polymeric material and electrically connecting at least one of the thin film electronic devices to the metal foil", as required by all of present claims 12-15. The passage at column 11, lines 13-38, to which the Examiner refers, describes the formation of apertures in the flexible substrate 12, but there is nothing in the later part of this passage to suggest any introduction of conductive material into these apertures to create conductive vias as required by claims 12-15. Indeed, it is unclear why anyone would try to form such a conductive via, since there are no conductors on the reverse side of the substrate to which such a conductive via could usefully connect. It is also respectfully noted that the rejection of claims 12-15 in the Office Action is inconsistent with the rejection of claims 1-11 therein, since the rejection of claims 1-11 apparently requires that the flexible substrate 12 be conductive, but the rejection of claims 12-15 requires that the substrate 12 be insulating so that apertures therethrough can be used to form conductive vias.

The 35 USC 102(e) rejection of claims 24-26 is traversed for the same reasons as the rejection of claims 1-11 discussed above. As noted above, Jacobsen does not disclose any metal foil having apertures extending therethrough, must less one in

which the apertures are confined to a peripheral area such that they can be used to stitch the display to a flexible medium.

The 35 USC 103 rejection of claims 3 and 4 set out in Sections 4 and 5 of the Office Action is traversed for the same reasons as the earlier 35 USC 102(e) rejection of claim 1 as discussed above.

For the foregoing reasons, the 35 USC 102 and 103 rejections set out in the aforementioned Office Action are unjustified and should be withdrawn. Reconsideration and allowance of all claims remaining in this application is respectfully requested.

Since the normal period for responding to the Office Action expired February 20, a Petition for a two month extension of this period is filed herewith.

Respectfully submitted
/David J. Cole/
David J. Cole
Registration No. 29629

E INK Corporation
733 Concord Avenue
Cambridge MA 02138

Telephone (617) 499-6069
Fax (617) 499-6200
E-mail dcole@eink.com